

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 29-21**

**A RESOLUTION TO AMEND RESOLUTION 45-20 TO APPROVE ADDITIONAL
SERVICES UNDER A PREVIOUSLY APPROVED CONSTRUCTION MANAGEMENT
PROPOSAL OF PENNONI ASSOCIATES INC. FOR THE NORTH HURON DRIVE
SAFE ROUTES TO SCHOOL PROJECT**

Introduced by: Mayor Habeeb-Ullah Muhammad

WHEREAS, the Town has undertaken various activities in the past designed to improve water drainage of streets, roads, alleys and by-ways in the Town, which began with the preparation of the Drainage Assessment and Inspection Report and the Pedestrian Facilities Assessment and Transition Plan prepared by Pennoni Associates Inc. on January 22, 2011; and, this was an undertaking generally referred to by the Town as the "Forest Heights Permeable Green Streets Project;" and

WHEREAS, there are several sources of funding being used by the Town to pay for the construction project along North Huron Dr. including a Safe Routes to School grant awarded by the Maryland Department of Transportation State Highway Administration in the amount of \$211,000.00; and

WHEREAS, on October 7, 2013, the Mayor and Council pursuant to Resolution 70-13 approved an engineering proposal by Pennoni Associates, Inc., for design of the reconstruction of North Huron Drive, which included an allowance to subcontract with A.D. Marble & Company ("A.D. Marble") whereby Pennoni would incorporate final drainage, SWM, E&S and landscape designs developed by A.D. Marble to prepare a comprehensive set of final design plans, and to further allow Pennoni to incorporate construction specifications, estimates and permits/approvals obtained by A.D. Marble into the final construction and bidding documents; and

WHEREAS, the Town Council originally authorized the Mayor to enter into an Engineering Services Proposal for Safe Routes to School along North Huron Drive dated December 1, 2016 for a fee not to exceed sixty thousand dollars (\$60,000.00); and

WHEREAS, at its August 21, 2019, Town Council meeting, the Town Council approved Resolution 52-19 which awarded the bid and authorized the Mayor to execute a contract on behalf of the Town with Fort Myer Construction Corporation for the construction of a sidewalk along North Huron Drive for a total cost of \$539,449.10, which has since been revised; and

WHEREAS, the North Huron Drive Sidewalks -- Phase I Project (Contract No. PHRPB 2-17) includes reconstruction of more than 2,300 linear feet of pervious concrete sidewalk, reconstruction/upgrades to driveway aprons, construction of ADA compliant concrete ramps, tree

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and fence removal and installation, and pavement markings to allow for pedestrian flow and access to the area schools; and

WHEREAS, on March 26, 2018, Resolution 18-18 regarding a revised supplemental proposal for professional engineering services for the design of the SRTS Project for North Huron Drive in the amount of \$34,000 was approved; and

WHEREAS, on July 6, 2020, Resolution 45-20 was approved in the amount of \$125,000 for a construction management proposal of Pennoni Associates, Inc. dated July 2, 2020, which included full time construction inspections, field management, data entry and concrete testing as well as engineering and coordination needed to process and implement requests for information from various state and local agencies for the North Huron Project; and

WHEREAS, the professional services proposal of Pennoni Associates, Inc. approved in March of 2018 and July 2020 allowed for revisions or changes for additional services beyond the scope of the proposal provided the monies for those services were budgeted; and

WHEREAS, as noted in Res. 45-20, the Project was a first of its kind for the Town and stipulations associated with SRTS grant funds were revealed to include certain oversight and adherence to State and Federal grant requirements including the necessity to provide constant construction project inspectors on site during all times of construction; and

WHEREAS, the federal and state requirements have been numerous and substantial including bringing in specially qualified construction management inspectors for erosion & sediment control (ESC) certification for projects of this nature having Maryland Department of Environment (MDE) and State Highway Administration (SHA) credentials also known as "Yellow and Green" cards; and

WHEREAS, during the pre-construction meeting held for the project kick-off, it was discovered that although the subject of project management had been substantially addressed by the project team, a full complement of construction project inspectors had not been identified nor budgeted for, to the extent necessary to fulfill the SHA requirement of on-site inspectors and construction management needed to cover the entire timeframe, without any interruptions in coverage, associated with the project; and

WHEREAS, the construction phase of the North Huron Drive Sidewalk construction project began on February 24th 2020 and at the time it was the staff's focus to make sure the project construction management inspection component was solidified to ensure timely project completion within the approximately ninety-day projected construction period and, since the construction contract that had been awarded in August 2019 was in jeopardy, due to ongoing negotiations on changes orders, the staff elected to continue with Pennoni's services into the construction phase under the prior approved personal services contract; and

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WHEREAS, since Pennoni Associates, Inc. tendered its proposal dated July 2, 2020, for professional services for SRTS along North Huron Drive for construction inspection, field management, and other services and the weeks passed during the pandemic other issues arose involving computation and submission of unforeseen paperwork, inspection and justification of supplies under the rigorous SRTS grant, as well as supply amounts and quality fell to the consultant as extra administration; and

WHEREAS, Pennoni Associates, Inc. has submitted the following invoices since its construction management proposal dated July 2, 2020, was approved: (i) Inv. 1065854 on 4/2/21 (\$105,684.00), (ii) Inv. 1057101 on 1/29/21 (\$138,203.50), and (iii) Inv. 1048301 on 11/18/20 (\$8,047.66) for a total of \$251,935.16.

WHEREAS, upon further calculation and internal auditing, staff has determined that once all historical payments made to this account were tallied, as well as the remaining balance available to make payments for this service connected to Resolution 45-20 and the \$125,000.00 threshold, the amount required for Town Council authorization to pay as the remaining balance to Pennoni Associates is \$225,768.50.

NOW THEREFORE, BE IT RESOLVED that the Council authorizes and approves an amendment to Resolution 45-20 to increase the authorized amount for a construction management proposal of Pennoni Associates, Inc. dated July 2, 2020, attached hereto, and incorporated herein as Exhibit A, to include an additional \$225,768.50 adjusted as described above to finalize the performance of the project described herein above to be paid from Budget line item 8000. However, one final closeout invoice for final project administration is pending next month.

AND, BE IT FURTHER RESOLVED, that the Town Council of Forest Heights, Maryland hereby authorizes and approves the Mayor on behalf of the Town to execute any other related instrument or document necessary to carry out the intent of this Resolution.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

PASSED this 16th day of June 2021.

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APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

BROWNSON

NOBLE

BARNES

HINES

WASHINGTON

ATKINSON

Yea
Nay
Nay
Yea
Yea
Yea
Yea

ATTEST:

MAYOR AND COUNCIL OF THE TOWN OF
FOREST HEIGHTS, MARYLAND

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

Sherletta Hawkins

SIGNATURE ON FILE

Habeeb-Ullah Muhammad, Mayor

SIGNATURE ON FILE

Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 16th day of June 2021, with 5 Aye votes and 2 Nay vote the aforesaid Resolution 29-21 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

Sherletta Hawkins

Exhibit A -(Contract/proposal (2020))

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